

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
WRIT PETITION NO. 5342 OF 1993

Dr. (Mrs.) Shirin Jal Cooper .. Petitioner.

vs.

Motabhoy Co-op. Housing
Society Ltd., & Ors. .. Respondents.

Mr. N.V. Walawalkar for applicant.

Mr. B.G. Vaidya for respondents 2 & 3.

Mr. Mamta Sadh, AGP., for R. No. 7.

CORAM : S.U. KAMDAR, J.

DATE : 17th April, 2006.

P.C.:

. The present petition challenges the order passed in revision by which the Deputy Registrar's order granting membership to the original petitioner has been rejected. It is an admitted position that the said original petitioner Shirin Jal Cooper who applied for membership has already expired on 11.7.1994. In view of her death the said proceeding has become infructuous and cannot proceed at all further, because membership is an individual right to become a member of the society. However, it is

made clear that the dismissal of the petition as infructuous will not come in the way of the petitioner who is now substituted in place of the deceased petitioner. I am informed that in so far as the present petitioner is concerned, he has made an application and that application is granted in his favour which has been challenged by the person claiming interest in the property by filing a separate writ petition being Writ Petition No. 575 of 2003. In view of the subsequent event also, the present petition has become infructuous and the same is dismissed accordingly. No order as to costs.